



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	04
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	07

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3010**, a bill that establishes and provides for the **CAROLINA PUBLIC CHARTER SCHOOL DISTRICT** (the District), a public body with geographical boundaries the same as the boundaries of the State of South Carolina. The bill provides that the District must be governed by a board of trustees, whose office must be housed in and staffed by the Office of the Governor until the 2010-2011 school year, at which time it shall be transferred to the State Department of Education. District trustees would be appointed by the Governor (3); the Speaker of the House (3); the President *Pro Tempore* of the Senate (3); and the State Superintendent of Education (2).

Under the provisions of the bill, District trustees have the same powers, rights, and responsibilities with respect to charter schools as other school district boards of trustees of this State including but not limited to: exercising general supervision over public charter schools, granting charter status to qualifying applicants, and determining district policy. The bill requires applicants who wish to form a charter school to form a charter committee and to submit an application to the Charter School Advisory Committee and the school board of trustees from which the charter committee is seeking sponsorship. The Advisory Committee must determine within sixty days whether the application is in compliance, and an application that is in compliance must be forwarded to the school district from which the application is seeking sponsorship with a letter stating that the application is in compliance. The bill requires that this letter shall also include a recommendation from the Charter School Advisory Committee to approve or deny the charter. The letter must specify the reasons for this recommendation, and the recommendation is nonbinding on the school board of trustees. The bill includes provisions and procedures for local school boards of trustees which have information that an approved application by the Carolina Public Charter School District adversely affects the other students in its district, or that the approval of an application fails to meet the spirit and intent of the Charter Schools Act. In such instances, the local school board may appeal the granting of the charter to the State Board of Education. The bill provides that the State Board must, within forty-five days, affirm or reverse the application for action by the Carolina Public Charter School District. The bill provides that schools currently established as a private school which desire to convert to a charter school must dissolve and shall not be allowed to open as a charter school for a period of twelve months.

The House amended, approved, and sent to the Senate **H.3150**, a bill that establishes and provides for the **SOUTH CAROLINA SUNSET COMMISSION** (the Commission) and for a separate **SUNSET REVIEW DIVISION OF THE LEGISLATIVE AUDIT COUNCIL** (the Division). The Division is created to conduct sunset reviews of certain state agency and department programs, and to report its findings based on the review criteria delineated in the bill. The Division is to conduct these reviews to determine whether the programs have outlived their usefulness or must be changed to address the needs and priorities of South Carolinians and the General Assembly. After the report is published, the bill requires the Commission to conduct a public hearing on the agency and its programs. The report must be filed with the House and Senate by January 15 of each year, and reauthorization of an agency or program must be accomplished in a special provision in the annual general appropriations act. The existence of any state

agency or program may be reauthorized by the General Assembly for periods not to exceed twelve years. Any agency or program not reauthorized is terminated. The bill authorizes the General Assembly, if it determines the circumstances warrant it and by concurrent resolution, to advance the termination date and sunset review scheduled for an agency.

The House amended, approved, and sent to the Senate **H.3152**, a bill which **AMENDS THE MOTION PICTURE INCENTIVE ACT**. Revisions include, but are not limited to: extending the exemption from sales and use tax to include an exemption from local, as well as state sales and use taxes; allowing up to seven percent of the general fund portion of admissions tax collected and funded to the State Film Commission to be used by the Department of Commerce exclusively for marketing and special events; and deleting a rebate to a motion picture company for sales tax paid on accommodations. The bill also authorizes the Department of Commerce to carry-forward their portion of the admissions tax for rebates and grants.

The House amended, approved, and sent to the Senate **H.3226**, a bill pertaining to the **TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES**. Current law allows a pharmacy in South Carolina to transfer prescription information to another pharmacy in the State for one refill of a medication. This bill would allow the transfer of all remaining refills for a prescription between any licensed pharmacies, including pharmacies in other states. The transferring pharmacist would be required to void any remaining refills, and the receiving pharmacist would be authorized to dispense all remaining refills on the original prescription. The bill also deletes a provision containing procedures for dispensing restricted drugs.

The House approved and sent to the Senate **H.3107**, a bill to **INCREASE THE SIZE OF THE STATE BOARD OF MEDICAL EXAMINERS** from 10 to 12 members. Currently the Board is made up of nine physicians and one lay member. All members of the Board serve four-year terms. The bill would increase the number of lay members from one to three. The President Pro Tempore of the Senate would appoint one of the additional lay members and the Speaker of the House would appoint another. These two additional members would serve four-year terms.

The House amended, approved, and sent to the Senate **H.3026**. This bill provides that **MODIFICATIONS TO NATIONALLY RECOGNIZED BUILDING CODES** promulgated according to requirements do not require readoption by the Building Codes Council for subsequent editions of the building codes, unless the amended section in the underlying code has substantively changed. Upon submission of a formal request, existing modifications may be reconsidered each time a new edition of the building code is considered for adoption by the Building Codes Council.

The House amended and gave second reading approval to **H.3085**, a bill relating to **IDENTITY FRAUD**. This bill provides that it is unlawful to use identifying information of another person for the purpose of obtaining employment.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Committee did not meet this week.

JUDICIARY

The Judiciary Committee considered three bills this week.

The Committee gave a favorable report with amendment to **H.3274**, which pertains to **APPEALS IN FAMILY COURT MATTERS**. Current law provides that the pendency of an appeal or application may not suspend the order of the Family Court regarding a child, nor shall it discharge the child from the custody of that court or of the person, institution, or agency to whose care the child shall have been committed; nor shall it suspend payments for support and maintenance of the wife and child. As passed by the Committee, this bill provides that no automatic ten-day stay applies following the issuance of such an order; the bill also replaces the term 'wife' with the term 'spouse.'

H.3084, relating to **PROBATE JUDGE QUALIFICATIONS**, was recommitted to the Special Laws Subcommittee.

H.3085, relating to **IDENTITY FRAUD**, received a favorable report with amendment. As passed by the Committee, this bill provides that it is unlawful to use identifying information of another person for the purpose of obtaining employment.

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The House Medical, Military, Public and Municipal Affairs Committee considered four bills this week.

The Committee gave a favorable report with amendment to **H.3142**. This bill authorizes South Carolina to join the **NURSE LICENSURE COMPACT** to:

- facilitate the responsibility to protect the public's health and safety;
- ensure and encourage the cooperation between states with regard to nurse licensure and regulation;
- facilitate the exchange of information regarding nurse regulation, investigation, and adverse licensure actions;

- promote compliance of laws governing the practice of nursing in each jurisdiction;
- grant participating states authority to hold nurses accountable for meeting all of state practice laws in the states where their patients are located at the time care is rendered.

For purposes of this bill, the following definitions apply:

- party state – any state that has adopted this compact;
- home state – the party state that is the nurse's primary state of residence;
- remote state – a party state, other than the home state.

The compact maintains a coordinated licensure information system to collect and share information on nurse licensure and enforcement actions. When a nursing license application is received in a party state, the licensing board must check through the coordinated licensure information system to verify whether the applicant holds or has ever held a license issued by any other state, whether there are any restrictions on the applicant's multi-state privilege, and whether any other adverse licensure action by any state has been taken against the applicant's license.

The bill specifies the conditions under which a nurse may be issued a license to practice in participating and non-participating states. Under the compact, a license to practice nursing issued by a home state to a resident in that state must be recognized by each party state as authorizing a multi-state licensure privilege to practice in each party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure, license renewal, and all other applicable home state laws. A party state may, in accordance with that state's due process laws, revoke, suspend, or limit the multi-state licensure privilege of any licensee to practice in its state and may take any other actions under its applicable state laws that are necessary to protect the health and safety of its citizens. The practice of nursing in a party state subjects a nurse to the jurisdiction of the nurse licensing board and the laws and the courts in that party state.

If a party state takes an action against a nurse, it must notify the administrator of the coordinated licensure information system. The administrator must notify the home state of any actions taken by other states in the compact. The compact provides due process procedures for a nurse against whom an adverse licensure action is ordered.

The bill also requires, beginning January 1, 2007, a foreign-educated applicant for licensure as a registered nurse in South Carolina to pass the National Council Licensure Examination and an English language proficiency test.

H.3226, pertaining to the **TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES**, received a favorable report from the Committee. Current law allows a pharmacy in South Carolina to transfer prescription information to another pharmacy in the State for one refill of a medication. This bill would allow the transfer of all remaining refills for a prescription between any licensed pharmacies, including pharmacies in other states. The transferring pharmacist would be required to void any remaining refills, and the receiving pharmacist would be authorized to dispense all remaining refills on the original prescription. The bill also deletes a provision containing procedures for dispensing restricted drugs.

H.3107 received a favorable report from the Committee. This bill would **INCREASE THE SIZE OF THE STATE BOARD OF MEDICAL EXAMINERS** from 10 to 12 members. Currently the Board is made up of nine physicians and one lay member. All members of the Board serve four-year terms. The bill would increase the number of lay members from one to three. The President Pro Tempore of the Senate would appoint one of the additional lay members, and the Speaker of the House would appoint another. These two additional members would serve four-year terms.

H.3108, which **INCREASES MEMBERSHIP ON THE MEDICAL DISCIPLINARY COMMISSION OF THE STATE BOARD OF MEDICAL EXAMINERS**, was recommitted to subcommittee.

WAYS AND MEANS

The full Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.214 WILDLIFE MANAGEMENT AREAS Sen. Groom

This bill provides that the Department of Natural Resources may promulgate regulations for the protection, preservation, operation, maintenance, and use of land leased or established as wildlife management areas.

H.3355 "SOUTH CAROLINA DAIRY STABILIZATION ACT" Rep. Duncan

This bill enacts the "South Carolina Dairy Stabilization Act." The bill establishes the South Carolina Milk Board, whose primary duties are to establish a fair market breakeven price for milk producers, to exercise general supervision over the State milk industry, and to arbitrate differences between fluid milk producers and buyers.

H.3372 INCREASED CATCH LIMIT FOR RED DRUM Rep. Rhoad

This bill relates to catch limits for certain saltwater fish, specifically red drum. The bill changes the catch limit for red drum from two to five in any one day.

H.3393 FISHING LICENSES (JUG PERMITS) Rep. M.A. Pitts

This bill relates to commercial or noncommercial fishing licenses required for taking nongame fish in freshwaters with certain fishing devices. This bill provides that a jug permit is not required for residents assisting jug permit holders.

H.3403 REGISTRATION OF BOAT TRAILERS, FARM TRAILERS AND UTILITY

***TRAILERS* Rep. Clemmons**

S.C. Code Ann. §56-3-130 provides that boat trailers under twenty-five hundred pounds, farm trailers and other utility trailers which are privately owned and not for hire need not be licensed or registered. This bill repeals S.C. Code Ann. §56-3-130.

EDUCATION AND PUBLIC WORKS

H.3346 SOUTH CAROLINA CHILDREN'S HEALTH OBESITY ACT Rep. Scott

This bill enacts the South Carolina Children's Health Obesity Act, establishing and providing for a seventeen member Child Health Advisory Committee (the Committee) to be appointed by the Director of the Department of Health and Environmental Control (DHEC). The Committee is charged to make recommendations to DHEC and to the Department of Education, and to develop nutrition and physical activity standards and policy recommendations after considering such items as: foods sold in school cafeterias but outside the regulated National School Lunch Program; certain competitive foods offered at schools through vending machines, student stores, fundraisers, foodcarts, and food concessions; continuing professional development of food service staff; expenditure

of funds derived from food and beverage contracts; systems to ensure implementation of nutritional and physical activity standards; and monitoring and evaluating results and reporting outcomes. The bill requires the Department of Education to consult with DHEC and with the Committee, and then to promulgate regulations to ensure healthy nutrition and physical activity standards are provided for students.

The bill also requires DHEC to employ: beginning with the 2005-06 school year, a qualified community health promotion professional to work with pilot or model programs to support schools and communities, if funds are available; a statewide health promotion consultant to be housed within the Department of Education, if funds are available; one community health promotion specialist, if funds are available. The bill requires school districts, beginning with the 2005-06 school year, to begin implementation of the standards developed by the Committee and the Department of Education, and to monitor and evaluate this implementation. The bill requires and provides for school districts, beginning with the 2006-07 school year, to convene a school nutrition and physical activity advisory committee and begin implementation of the Committee standards. The bill also requires that these standards be incorporated into the annual school planning and reporting process, and that DHEC and the Department of Education report to the General Assembly annually on progress in implementing the standards.

H.3361 TEACHING RESTRICTIONS Rep. Davenport

This bill requires professors at institutions of higher learning and high school teachers to submit to the head of the department or the academic dean at the respective schools, a syllabus of each class taught. The bill prohibits professors and teachers from deviating from the syllabus without prior approval from the department head or academic dean, and provides that violation of these provisions may result in the teacher or professor's discharge.

H.3382 "CHOOSE LIFE" AND "CHOOSE ABORTION" SPECIAL PLATES Rep. Altman

This bill authorizes and provides for the issuance of "Choose Life" and "Choose Abortion" special license plates. Revenues remaining after costs of production and administration of the plates would be dedicated to breast cancer research.

H.3391 EXPENSES OF NAMING/DEDICATING HIGHWAYS Rep. Toole

This bill prohibits the use of public funds to reimburse the Department of Transportation for expenses incurred to name and dedicate a highway.

H.3392 FREE APPLICATION FOR FEDERAL STUDENT AID APPLICATION Rep. Toole

With regard to tuition assistance to attend a state technical college or a two-year institution, this bill provides that if a student feels that he will definitely not qualify to receive federal financial aid, the student may complete a simple form to determine if he will definitely not qualify to receive financial aid. If the student is then determined unqualified to receive such aid, the student shall sign a form and be exempted from completing the Free Application for Federal Student Aid.

H.3394 REQUIRED PROVISION OF HOME SCHOOLING INFORMATION BY PUBLIC SCHOOLS Rep. Toole

This bill requires public schools to provide to parents, upon request, a complete home schooling information package to include information delineated in the bill.

H.3397 PUBLIC EDUCATION LICENSE PLATES Rep. Townsend

This bill specifies that the currently-existing "Public Education: A Great Investment" special license plates may be issued to owners of private passenger-carrying motor vehicles or light pickup trucks that are registered in the owners' names and that fall into certain weight classifications.

H.3399 DECALS FOR SUNSCREENING DEVICES Rep. Lucas

This bill provides that persons who have physical conditions which necessitate the use of certain motor vehicle suncreening material must present an affidavit and must then be issued a decal. The decal must be conspicuously displayed on the rear exterior of the vehicle.

JUDICIARY

S.15 VICTIM NOTIFICATION WHEN PERPETRATOR IS IN A MENTAL HEALTH FACILITY Sen. McConnell

The bill provides that a law enforcement agency must provide a victim's contact information to a mental health facility having custody of a perpetrator. This bill also provides that a victim who wishes to receive notification information regarding a perpetrator must also give his or her name and other pertinent information to the Department of Mental Health (DMH) and the Department of Disabilities and Special Needs (DDSN).

The bill provides that a victim must be notified of a transfer or escape of a perpetrator who was found not guilty by reason of insanity. The bill requires that DMH and DDSN must notify the victim of any hearings involving the perpetrator.

With regards to the continued commitment of persons found not guilty by reason of insanity, this bill provides that a judge must also consider the safety of the victim. This bill also provides that a victim has a right to attend and comment at a hearing to determine the need of continued hospitalization. The bill provides that a victim must be notified when the perpetrator is released from a mental health facility.

S.19 ALCOHOLIC LIQUORS AND BEVERAGES Sen. McConnell

This is a bill to ratify an amendment to Section 1, Article VIII-A of the Constitution of South Carolina, 1895, relating to the powers of the General Assembly pertaining to alcoholic liquors and beverages, so as to regulate their sale in containers of such size as the General Assembly considers appropriate.

S.91 SOLICITOR'S TERM OF OFFICE Sen. McConnell

This bill provides that a solicitor's term of office begins on noon on the first Wednesday following the second Tuesday in January following his/her election and ends on noon on the first Wednesday following the second Tuesday in January four years later.

S.127 WORKERS' COMPENSATION COMMISSIONERS Sen. Martin

This bill provides that Workers' Compensation Commissioners are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules. The bill also requires the Commissioners and their administrative assistants to attend a

yearly workshop of at least three continuing education hours concerning ethics and the Administrative Procedures Act.

H.3342 *AUTHORITY OF A PUBLIC BODY HOLDING A MEETING CLOSED*
TO

THE PUBLIC Rep. W.D. Smith

Current law provides that one reason a public body may hold a meeting closed to the public is for the purpose of investigative proceedings regarding allegations of criminal misconduct. Under this bill, the meeting may not be closed to the public for this particular reason unless allegations have been forwarded to the solicitor, and the solicitor requests the matter be discussed in a closed meeting.

H.3343 *“TRAFFIC DIVERSION PROGRAM ACT”* Rep. Hagood

This bill creates the “Traffic Diversion Program Act.” Under this bill, each solicitor has the authority to establish a program for persons who commit traffic-related offenses punishable by a fine or loss of points. The bill also provides that the appropriate municipality or county is authorized to create such a program with the approval of the solicitor. The bill provides procedures for the operation of a program and requirements for persons desiring to enter a program.

H.3344 *AMENDMENTS TO THE ANIMAL FIGHTING AND BAITING ACT*
Rep. Wilkins

This bill allows for and outlines procedures for the forfeiture of property, monies, negotiable instruments, securities and other things of value when a person violates a provision of the Animal Fighting and Baiting Act. The bill does create an exception for the innocent owner of property subject to forfeiture.

Current law provides that cockfighting is a misdemeanor and that the provisions of the Animal Fighting and Baiting Act do not apply to game fowl. This bill deletes the provision that states cockfighting is a misdemeanor and makes the Animal Fighting and Baiting Act apply to game fowl. Violations of the Animal Fighting and Baiting Act are considered felony offenses.

H.3347 *VOTING SYSTEMS* Rep. Scott

This bill provides that the State Election Commission shall adopt one voting system to be used to conduct elections in this State. The bill also defines the term ‘voting system.’

Among other things, the bill authorizes the use of an ‘optical scan voting system’ instead of ‘vote recorders’ for use in absentee precincts in a county. With regards to the voting machine approval process, the bill makes changes to reference an ‘optical voting system’ and deletes references to a system being approved by an independent testing authority. The bill also provides a procedure for reporting decertification by a vender when the vender has committed ethical or technical violations in another state.

The bill repeals SC Code Ann. §7-13-1310 relating to the use of vote recorders as well as SC Code Ann. §7-13-1660 relating to the acquisition and use of approved voting machines by a county or municipality.

H.3348 EMERGENCY '911' CALLS Rep. Scott

Under this bill, each local government or jurisdiction in this State operating an emergency "911" system must have the capability of answering calls in Spanish with the same response time as calls answered in English.

H.3362 DISQUALIFICATIONS OF JURORS Rep. W.D. Smith

Current law provides that a person is disqualified for service as a juror in this State if the person has been convicted of a crime punishable by imprisonment for more than one year and his/her civil rights have not been restored by pardon or amnesty. Under this bill, a person would be disqualified from service as a juror if that person has been convicted of a crime punishable by imprisonment of 30 days or more. The bill also provides that a person who has criminal charges pending is disqualified from service as a juror.

H.3378 SHORTENING THE LEGISLATIVE SESSION BY REVISING THE TIME OF ANNUAL ADJOURNMENT Rep. Wilkins

The bill changes the date for the mandatory adjournment of the General Assembly from the first Thursday in June to the second Thursday in May. The bill also provides that in any year that the House of Representatives fails to give third reading to the appropriations bill by March fifteenth, rather than March thirty-first, the date of adjournment is extended by one statewide day for each statewide day after March fifteenth, rather than March thirty-first, that the House fails to give the bill third reading.

H.3380 PROPOSED CONSTITUTIONAL AMENDMENT TO SHORTEN THE LEGISLATIVE SESSION BY REVISING ANNUAL COMMENCEMENT Rep. Wilkins

This joint resolution proposes an amendment to the Constitution of South Carolina, relating to sessions of the General Assembly, so as to provide for annual sessions of the General Assembly commencing at varying times in even-numbered years and odd-numbered years. The proposed amendment provides for an organizational session for the Senate in certain years. The proposed amendment provides for other revisions regarding the elimination of certain obsolete language, provisions for the election of officers of the General Assembly, provisions for certain meetings for the introduction and referral to committee of legislation, and provisions for certain committee meetings.

H.3384 CONTINUATION OF SERVICE BY SPECIAL PURPOSE DISTRICTS FOLLOWING ANNEXATION BY A MUNICIPALITY Rep. Loftis

This bill relates to the annexation of special purpose districts. Current law provides that until the municipality upon reasonable written notice elects to displace the special district's service, the special district must be allowed to continue providing service within the district's annexed area. This bill provides that unless the municipality demonstrates imminent danger to a person and property within the annexed area, the municipality may not displace the services of a special purpose district.

H.3385 REMOVAL OF AN ACTION FROM PROBATE COURT TO CIRCUIT COURT Rep. J.E. Smith

This bill provides that the moving party must show, and the Probate Court must find, good cause for removal of a Probate Court proceeding to the Circuit Court.

H.3387 REMOVAL OF THE FIVE-MINUTE TIME LIMIT TO VOTE Rep E.H. Pitts

Current law provides that no voter shall occupy a voting booth or compartment for more than five minutes. This bill deletes the five-minute limitation a voter has to cast his or her ballot.

H.3402 DEFINITION OF 'LEGISLATIVE CAUCUS COMMITTEE' AS IT RELATES TO CAMPAIGN PRACTICES AND IN MATTERS RELATING TO LOBBYISTS AND LOBBYING Rep. M.A. Pitts

This bill relates to definitions concerning lobbyists and lobbying and campaign practices. This bill expands the current definition of the term 'legislative caucus' to provide that such a caucus may be created based upon a special legislative interest.

LABOR, COMMERCE AND INDUSTRY

H.3341 NOTIFICATION REQUIRED FOR DISCONTINUANCE OF ELECTRIC OR NATURAL GAS SERVICE TO RESIDENCE OF DISADVANTAGED SENIOR CITIZENS Rep. Allen

This bill prohibits the discontinuance of electric or natural gas service to the principal residence of senior citizens of a certain income until forty-five days after notice of the proposed discontinuance has been provided to the Department of Social Services.

H.3345 "SOUTH CAROLINA SENIOR AND DISABLED CITIZENS UTILITY PROTECTION ACT" Rep. Scott

This bill enacts the "South Carolina Senior and Disabled Citizens Utility Protection Act" so as to prohibit the discontinuance of electric or natural gas service to the principal residence of certain senior and disabled citizens until thirty days after notice of the proposed discontinuance has been provided to the Department of Social Services.

H.3358 EMPLOYEE'S RIGHT TO VOCATIONAL REHABILITATION SERVICES

Rep. Clyburn

This bill revises provisions relating to an employee's right to vocational rehabilitation services who is injured due to radiation exposure, so as to eliminate the requirement that the injury must be caused by radiation exposure and the limitation on the length of time the vocational rehabilitation training may be offered.

H.3359 COMPENSATION FOR AN EMPLOYEE'S TOTAL DISABILITY

Rep. Clyburn

This bill revises provisions relating to the calculation for determining compensation for an employee's total disability, so as to eliminate: the maximum time limit for compensation; the exception to this limitation; and, the prohibition of a lump sum award. The legislation provides that a totally and permanently disabled employee shall receive the benefits for life.

S.18 "NATURAL GAS RATE STABILIZATION ACT" Sen. McConnell

This bill provides for a procedure for the adjustment of rates and charges of natural gas distribution utilities to reflect changes in expenses, revenues, investments, depreciation, and other changes in revenues and expenses. The legislation provides procedures for interested parties to challenge these adjustments

H.3381 “SOUTH CAROLINA LANDOWNER AND ADVERTISING PROTECTION AND PROPERTY VALUATION ACT” Rep. Cato

This bill enacts the “South Carolina Landowner and Advertising Protection and Property Valuation Act.” The legislation empowers local governments to require the removal of nonconforming off-premises outdoor advertising signs and to regulate their use. The legislation authorizes local governing bodies to enter into agreements with sign owners to relocate and reconstruct signs. The legislation provides for the payment of just compensation when a sign is removed without an agreement between the parties, and for arbitration between the parties when they fail to reach an agreement.

H.3383 “FIRE PROTECTION SPRINKLER SYSTEMS ACT” Rep. Loftis

This bill enacts the “Fire Protection Sprinkler Systems Act”, to: license and regulate the fire sprinkler systems industry; establish licensure and licensure renewal requirements and fees; establish grounds and sanctions for misconduct; and further provide for the licensure and regulation of fire sprinkler contractors and fire sprinkler systems.

H.3390 ASSIGNMENT OF A NONNEGOTIABLE INSTRUMENT TO A COLLECTION AGENCY Rep. Taylor

This bill provides for assignment of a nonnegotiable instrument to a collection agency by a creditor. Criteria are provided for an effective assignment of the instrument. The legislation provides for pursuit of a claim by the assignee based on the instrument. The legislation provides for assignment of a right to receive payment which is evidenced by a nonnegotiable instrument. The legislation provides, further, that an assignee in the regular course of business may bring an action on the debt evidenced by the assigned instrument.

H.3398 LIABILITY COVERAGE ON AUTOMOBILE INSURANCE POLICIES Rep. Neilson

This bill increases the minimum liability limits on an automobile insurance policy. The legislation requires the release of the existence and amount of liability insurance coverage from the policy owner of an automobile insurance policy if a claimant requests that information in writing.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H. 3395 “S.C. DIETETICS LICENSURE ACT” Rep. Umphlett

This bill enacts the “S.C. Dietetics Licensure Act.” As stated in the bill, the primary function of dietetic practice is the provision of nutrition care services. The bill establishes the S.C. Board of Dietetics and provides for its members, powers and duties. The bill provides for the licensure and regulations of persons engaged in the practice of dietetics or nutrition, including establishing criteria for licensure and license renewal. The bill establishes the scope of practice for dietitians and provides grounds for misconduct and penalties for misconduct, including criminal penalties.

H.3405 PODIATRY Rep. Mahaffey

This bill revises certain definitions pertaining to podiatry.

Under this bill, the term 'practice of podiatry' means the diagnosis, medical, physical, and surgical treatment of ailments of the foot and ankle and those anatomical structures of the leg governing and related to the function of the foot and ankle with the administration and prescription of drugs incidental to this treatment. Surgical treatment is restricted to below the anterior tibial tubercle and includes treatment of local manifestations of systemic diseases as they appear on the foot and ankle but does not include the treatment of systemic diseases causing manifestations in the foot and ankle. The practice of podiatry includes the amputations of toes or other parts of the foot but does not include the amputation of the foot or leg in its entirety. The practice of podiatry includes the administration of local anesthetics in conjunction with the practice of podiatry. Spinal or general anesthesia must be administered by a health care professional who is authorized to administer anesthesia within the scope of his or her practice.

Under this bill, the term 'podiatrist' means a person licensed and by such licensure is considered a physician and surgeon of the foot and ankle, licensed to diagnose and treat ailments of the foot and ankle.

WAYS AND MEANS

H.3349 TAX CREDIT FOR LONG-TERM CARE INSURANCE PREMIUMS Rep. Scarborough

This bill provides individual taxpayers an income tax credit of fifteen percent of the premium costs paid during the taxable year on a qualified contract for long-term care insurance that covers the individual, his spouse, or a qualified dependent. The credit may not exceed three hundred and fifty dollars for each individual covered by a qualified contract. The bill prohibits credit for payments that are deducted or excluded from the taxpayer's income for the taxable year.

H.3350 MUNICIPAL CAPITAL PROJECTS SALES TAX ACT Rep. Vaughn

This bill authorizes and provides for the imposition of a one percent sales and use tax, by referendum, in a municipality for a specific period of time and for certain specified types of projects.

H.3370 REVERSION OF REAL PROPERTY VALUES FOR PURPOSES OF PROPERTY TAXATION Rep. Herbkersman

This joint resolution allows the governing body of a county which implemented in property tax year 2004 the values for real property determined in a countywide reassessment and equalization plan, by ordinance and for property tax year 2005 only, to revert to the values of real property used in the calculation of 2003 property taxes. The bill provides that these 2003 values as modified must be the values subject to any limit on increases in value enacted by the General Assembly in 2005.

H.3377 BEER AND WINE LICENSE TAXES Rep. Kirsh

This bill provides that, except for certain exceptions provided in the bill, beer and wine taxes are in lieu of all other taxes and licenses on beer and wine of the State, the county, or the municipality, except the sales and use tax or local hospitality tax, and include licenses for its delivery by the wholesaler.

H.3386 SOUTH CAROLINA RESEARCH CENTERS OF ECONOMIC EXCELLENCE Rep. W.D. Smith

This bill provides that when an award has been made under the Research Centers of Economic Excellence Act to one or more senior research universities which have partnered with other state or local public institutions including hospitals, any similarly situated state or local public institution including another hospital may participate in the research project if it meets the criteria required of other participants and has sufficient funding from other sources to participate.

H.3401 UNIVERSITY OF SOUTH CAROLINA ATHLETIC FACILITIES REVENUE BONDS Rep. Harrell

This bill raises from forty million dollars to sixty million dollars, the outstanding debt limit for the University of South Carolina athletic facilities revenue bonds.

H.3404 "SOUTH CAROLINA RETIREMENT SYSTEM OPTION PLAN" Rep. Scott

This bill enacts the *South Carolina Retirement System Option Plan*, which allows a person on first becoming a member of the South Carolina Retirement System (the System) irrevocably to elect to pay a higher member contribution sufficient to pay the full actuarial cost of allowing that member to retire at any age without penalty with either twenty-five or twenty-eight years of credited service, and receive a retirement benefit equal to the benefit otherwise received after thirty years of service. The bill provides multiplier fractions to be used in calculating the retirement benefits of persons who make this election. The bill also increases from twenty-eight years to thirty years the service credit required for a member of the System to retire at any age without a reduction in benefits, effective for persons first becoming members of the System after June 30, 2005.

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Legislative Update, February 1, 2005

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